




CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#20-0816

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager 

DATE: October 6, 2020

TITLE: **WALK-ON** - Resolution Authorizing the City Manager to Execute an Amended Consent Order Between the City of Fort Lauderdale and the State of Florida, Department of Environmental Protection OGC File No. 16-1487 (Commission Districts 1, 2, 3 and 4)

Recommendation

Staff recommends the City Commission approve a resolution authorizing the City Manager to execute an Amended Consent Order between the City of Fort Lauderdale (City) and the State of Florida, Department of Environmental Protection (FDEP), OGC File No. 16-1487.

Background

On September 6, 2017, the City Commission approved CAM #17-1090 authorizing the City Manager to execute a Consent Order between the City and FDEP. The Consent Order was the result of failures in the City's wastewater collection system resulting in releases of untreated wastewater into surface waters and/or groundwater of the State of Florida in violation of Rule 62-604.130, Florida Administrative Code (F.A.C). On June 12, 2020, the City received a draft Amended Consent Order (Amended Order) from the FDEP for the release of untreated wastewater from the City Collection System into surface waters and/or groundwater of the State of Florida occurring between December 10, 2019 and February 14, 2020. The Amended Order has been negotiated between the FDEP and the City over the past four (4) months. The Amended Order will resolve all penalties resulting from the documented discharges of untreated wastewater for the period stated above.

The Amended Order will require the City to install one (1) 2-megawatt temporary generator at the George T. Lohmeyer Wastewater Treatment Plant (GTLWWTP) within nine (9) months of the effective date of the Amended Order. Additionally, it will require the City to install a permanent emergency generator(s) at the GTLWWTP within 40 months of the effective date of the Amended Order.

The Amended Order will also require the City to complete its current environmental analysis of George English Lake and the Tarpon River, as well as planned analysis of the Himmarshee Canal. In addition, an estimate of solids released into the waterways, an estimate of the solids released remaining in the waterways, and a plan to ascertain if the remaining solids in the waterways are contributing to violations of water quality standards, will be submitted to FDEP within 180 days of the effective date of the Amended Order.

Finally, the Amended Order requires the City pay a fine of \$2,116,500 within 90 days or implement in-kind projects at a value of \$3,167,250 in lieu of the fine. In-kind projects must be either an environmental enhancement or environmental restoration project.

The work required within the Amended Order will be supervised by the Senior Project Manager responsible for the existing Consent Order. The City has already engaged Wood Consulting and E-Sciences to assess the impact on water quality in our Waterways at George English Lake and Tarpon River. Additionally, the City has authorized new task orders to E-Sciences to assess the Himmarshee Canal. Staff is currently working to identify in-kind projects.

Resource Impact

The exact amount of funds necessary to meet all the obligations of the Amended Consent Order are currently unknown. It commits the City to the funding and implementation of projects and professional services that will impact current and future year budgets and Community Investment Plans. An administrative fee in the amount of \$5,000 is available in the FY 2020 operating budget in the account below.

| <i>Funds available as of October 1, 2020</i> | | | | | |
|---|---------------------------------|--|---|--|----------------|
| ACCOUNT NUMBER | INDEX NAME (Program) | CHARACTER CODE/ SUB- OBJECT NAME | AMENDED BUDGET (Character) | AVAILABLE BALANCE (Character) | AMOUNT |
| 450-PBS010101-3199 | Public Services Director | Services & Materials/Other Professional Services | \$303,165 | \$303,165 | \$5,000 |
| Total | | | | | \$5,000 |

Strategic Connections

This item is a *2020 Top Commission Priority*, advancing the Waterway Quality and Infrastructure initiatives.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community
- Objective: Improve water quality for our natural environment

This item advances the *Fast-Forward Fort Lauderdale Vision Plan 2035: We are Ready*.

Attachments

Exhibit 1 – Amended Consent Order

Exhibit 2 – Resolution

Prepared by: Raj Verma, Public Works Director

Department Directors: Raj Verma, Public Works

